

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

THE MANSION ON HOWARD LLC	§	
	§	
V.	§	NO. 5:21-CV-00293-DAE
	§	
SCOTTSDALE INSURANCE COMPANY	§	
A NATIONWIDE COMPANY and	§	
JOEL WAYNE MOONEY	§	

JOINT STIPULATION OF DISMISSAL

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, THE MANSION ON HOWARD LLC (“Plaintiff”) and SCOTTSDALE INSURANCE COMPANY A NATIONWIEDE COMPANY and JOEL WAYNE MOONEY (“Defendants”), and file this their Joint Stipulation of Dismissal under Federal Rule of Civil Procedure 41.

1. On February 12, 2021, Plaintiff filed Plaintiff’s Original Petition in the 73rd District Court of the State of Texas, County of Bexar, entitled “*The Mansion On Howard LLC vs. Scottsdale Insurance Company A Nationwide Company and Joel Wayne Mooney*,” Cause No. 2021-CI-02978.

2. On March 24, 2021, Defendants removed the lawsuit to this Court.

3. On March 19, 2021, Defendants filed their Original Answer.

4. Plaintiff moves to dismiss its claims made or which could have been made against Defendants.

5. This case is not a class action.

6. A receiver has not been appointed in this case.

7. This case is not governed by any federal statute that requires a court order for dismissal.

8. Plaintiff and Defendants have not dismissed an action based on or including the same claims as those presented in this suit.

9. This dismissal is **with prejudice** to re-filing.

WHEREFORE, Plaintiff, THE MANSION ON HOWARD LLC, and Defendants, SCOTTSDALE INSURANCE COMPANY A NATIONWIEDE COMPANY and JOEL WAYNE MOONEY, respectfully request that the Court dismiss this case with prejudice and for such other and further relief, general or special, at law or in equity, to which Plaintiff and Defendants may be justly entitled.

Dated: July 30, 2021

Respectfully submitted,

Whyte PLLC

1045 Cheever Blvd., Suite 103

San Antonio, Texas 78217

Telephone: (210) 562-2875

Facsimile: (210) 570-2322

By: /s/ Marc K. Whyte / Permission

MARC K. WHYTE

State Bar No. 24056526

mwhyte@whytepllc.com

ATTORNEY FOR PLAINTIFF
THE MANSION ON HOWARD LLC

ESPEY & ASSOCIATES, PC

12400 San Pedro Avenue, Suite 200

San Antonio, Texas 78216

Telephone: (210) 404-0333

Telecopier: (210) 404-0336

By:

A handwritten signature in blue ink, appearing to read "Jonathan Darnell", is written over a horizontal line.

RICHARD W. ESPEY

State Bar No. 06667580

JONATHAN N. DARNELL

State Bar No. 24001967

espeyservice@lawespey.com

ATTORNEYS FOR DEFENDANT

SCOTTSDALE INSURANCE COMPANY A

NATIONWIDE COMPANY and JOEL WAYNE

MOONEY